

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
AN DUC DO, a/k/a "R313007"	:	VIOLATIONS: 18 U.S.C. § 371 (conspiracy - 1count) 18 U.S.C. § 2319(d)(2) and 17 U.S.C. § 506(a)(1)(2) (criminal infringement of a copyright - 1 count) Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

BACKGROUND

At all times material to this information:

1. **AN DUC DO** possessed, maintained, or had access to, one or more computers connected to the Internet and communicated online using the alias "R313007."
2. A Peer-to-peer ("P2P") file sharing network was an electronic configuration which allowed a group of computer users, or "peers," with the same file sharing software program, to connect with each other through the Internet and to directly access files from one another's computers.
3. A P2P network user was able to: (1) find and download files located on another peer's computer; and (2) share with other peers files located on their own computers. The files referred to in this information were "content" files, that is, the files included motion

pictures, sound recordings, business and entertainment software and television shows.

4. BitTorrent was a P2P file sharing software. Unlike earlier file-sharing protocols through which peers could transfer whole files at one time, files transferred using a BitTorrent-based P2P network were broken down into smaller pieces of data which were then transferred separately.

5. BitTorrent file sharing software took advantage of the fact that a computer could download data faster than it could upload data. BitTorrent permitted a user to download a file from multiple sources, that is, by taking different parts of the file from different peers. Since the computer downloading the material could receive it faster than a single computer could send the data, BitTorrent software accelerated the downloading process by taking different parts of the file from multiple computers at the same time.

6. BitTorrent file sharing software also worked in such a way, that as soon as a peer had downloaded one piece of a file, that piece was immediately available for others to download.

7. The BitTorrent software generally used “clients” and “trackers.” Clients were programs that users ran to download and upload files. A tracker was a computer server that ran a program to track, among other things, which client’s computers were online sharing which files. Generally, trackers did not store or relay the files themselves but instead introduced client computers to one another to facilitate file sharing between peers.

8. The Elite Torrents (“ET”) was an online piracy organization whose members engaged in the illegal reproduction and distribution of copyrighted works over the Internet. The ET organization used a BitTorrent based peer-to-peer network to facilitate

infringement by its members.

9. Upon joining the ET network, members were assigned to one of 12 different member classifications, identified on the ET site in increasing order of responsibility and privilege. Administrators, moderators, and uploaders were among the higher classifications on the ET network.

10. Administrators were generally responsible for the day-to-day operations of the network. Moderators monitored the online chat among ET members and had authority to exclude members from the ET network. Uploaders introduced pirated works, that is, copyrighted works illegally reproduced or distributed, onto the ET network.

CONSPIRACY

11. From in or about September 2004 through in or about May 2005, in the Eastern District of Pennsylvania and elsewhere, defendant

**AN DUC DO,
a/k/a "R313007,"**

conspired and agreed with others, known and known to the United States Attorney, to commit offenses against the United States, that is, to willfully infringe the copyright of a copyrighted work for purposes of private financial gain, and by reproducing and distributing, during a 180-day period, 10 or more copies of one or more copyrighted works with a total retail value of more than \$2,500, in violation of Title 18, United States Code, Section 2319(b)(1), and Title 17, United States Code, Section 506(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

12. Defendant **AN DUC DO** was a member of ET and served as an “uploader.”

13. Defendant **AN DUC DO** and other conspirators accessed pirated copyrighted works, including movies, software programs, computer games, and music, and uploaded such works onto the ET network for others to access, reproduce and distribute. Defendant **AN DUC DO** and others uploaded pirated copies of copyrighted works onto the ET network, knowing it was illegal to do so.

14. In exchange for making copyrighted works available for others on the ET network to download, defendant **AN DUC DO** and other conspirators expected to receive, and received, pirated copies of copyrighted works for their own personal use.

OVERT ACTS

In furtherance of the conspiracy and to effect its objects, defendant **AN DUC DO** and his co-conspirators committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about September 28, 2004, defendant **AN DUC DO** uploaded, and caused to be uploaded, to the ET network, a pirated copy of the copyrighted motion picture, “*Harry Potter and the Prison of Azkaban*.”

2. On or about December 6, 2004, defendant **AN DUC DO** uploaded and caused to be uploaded to the ET network, a pirated copy of the copyrighted motion picture “*King Arthur*.”

3. On or about April 6, 2005, defendant **AN DUC DO**, uploaded and caused to be uploaded to the ET network, a pirated copy of the copyrighted motion picture “*National Treasure*.”

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 10 of Count One of this information are incorporated here.
2. On or about February 4, 2005, in the Eastern District of Pennsylvania and elsewhere, defendant

**AN DUC DO,
a/k/a “R313007,”**

willfully and for the purpose of private financial gain, infringed the copyright of a copyrighted work by distributing a work being prepared for commercial distribution, that is, by making the motion picture, “*Flight of the Phoenix*” available on ET, a computer network accessible to members of the public, when he knew, and should have known, that the work was intended for commercial distribution.

All in violation of Title 18, United States Code, Section 2319(d)(2), and Title 17, United States Code, Section 506(a)(1)(c).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371, 2319(d)(2), and Title 17, United States Code, Section 506(a)(1)(c), as charged in this information defendant

**AN DUC DO,
a/k/a "R313007,"**

shall forfeit to the United States all infringing copies, all equipment used in the manufacture of infringing copies, all articles by means of which infringing copies may be reproduced, and all devices for manufacturing, reproducing or assembling infringing copies, but not limited to, the following:

- a. Approximately 545 CDs and/or DVDs;
- b. X-Box game console s/n 60017630205 with game controller carrying case and power cord.
- c. MSI mainboard CPU;
- d. Maxtor hard drive s/n Y44V48PE
- e. Seagate bard drive s/n 5JRB87M
- f. Western Digital hard drive s/n WMA8C321916; and
- g. Western Digital hard drive s/n WMACM1018849

In violation of Title 17, United States Code, Section 506(b).

PATRICK L. MEEHAN
United States Attorney

